

ORDINANCE NO. 08-14

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW CONSTRUCTION OF ONE DUPLEX ON EACH OF TWO SUBSTANDARD-SIZED LOTS: LOT 24, HAVING A FRONTAGE OF 50 FEET AND A TOTAL AREA OF 6,750 SQUARE FEET, MORE OR LESS; AND LOT 23 LESS THE EAST 5 FEET, HAVING A FRONTAGE OF 45 FEET AND A TOTAL AREA OF 6,075 SQUARE FEET, WHERE A MINIMUM FRONTAGE OF 75 FEET IS REQUIRED AND A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED; ALLOW A FRONT SETBACK OF 10.66 FEET, WHERE AT LEAST 25 FEET ARE REQUIRED, AND A STREET SIDE SETBACK OF 10 FEET, WHERE AT LEAST 15 FEET ARE REQUIRED; AND ALLOW AN EAST SIDE SETBACK OF 0 FEET ON LOT 24 AND A WEST SIDE SETBACK OF 0 FEET ON LOT 23, WHERE AT LEAST 7.5 FEET ARE REQUIRED FOR EACH, CONTRA TO HIALEAH CODE §§ 98-544, 98-545 AND 98-546. **PROPERTY LOCATED AT 301 EAST 12 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 9, 2008 recommended approval of this ordinance; and

WHEREAS, the petitioner proffers that upon the sale of transfer of any one of the lots to a third party that the new owner shall enter into a mutual reciprocal ingress and egress easement covering the rear parking areas of Lots 23, less the east 5 feet, and Lot 24.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1:

Section 2: The below-described property is hereby granted a variance permit to allow construction of one duplex on each of two substandard-sized lots: Lot 24, having a frontage of 50 feet and a total area of 6,750 square feet, more or less; and Lot 23, less the east 5 feet, having a frontage of 45 feet and a total area of 6,075 square feet, where a minimum frontage of 75 feet is required and a total area of at least 7,500 square feet is required; allow a front setback of 10.66 feet, where at least 25 feet are required, and a street side setback of 10 feet, where at least 15 feet are required; and allow an east side setback of 0 feet on Lot 24 and a west side setback of 0 feet of Lot 23, where at least 7.5 feet are required for each, contra to Hialeah Code §§ 98-544, 98-545 and 98-546, which provide in pertinent part: “. . . The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family or two-family residence. Such parcels or lots shall have an average width of at least 75 feet . . . ,” “. . . there shall be a front yard depth not less than 25 feet in distance from the front line . . . “ , “For a corner lot, the side yard parallel to the abutting street shall be not less than 15 feet .” and “In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7½ feet in width.”, respectively. Property located at 301 East 12 Street, Hialeah, Miami-Dade County, Florida, zoned R-2 (One and Two-Family Residential District), and legally described as follows:

LOT 23, LESS THE EAST 5.00 FEET, AND LOT 24, BLOCK 92, AMENDED PLAT OF THE FIRST ADDITION TO TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 122, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

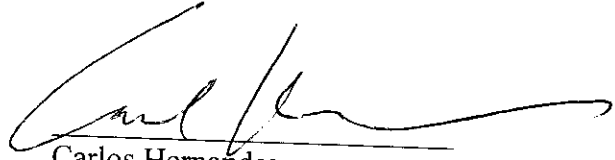
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12th day of February, 2008.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council Vice President

Attest:

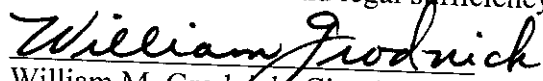
Approved on this ___ day of _____, 2008.

Rafael E. Granado, City Clerk

MAYOR'S SIGNATURE WITHHELD

Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

s:\wmg\legis\ord-2008\301west12street.doc

Ordinance was adopted by a 4-2-1 vote with Councilmembers Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes"; Councilmember Caragol and Casals-Muñoz voting "No"; and Councilmember Bovo absent.

Ordinance was passed and adopted by the Hialeah City Council on February 12, 2008 and became effective February 26, 2008 without Mayor's signature.